

AO 440 (Rev. 02/09) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

for the

District of Delaware

XPOINT TECHNOLOGIES, INC.

*Plaintiff*

v.

MICROSOFT CORPORATION, et al.

*Defendant*

Civil Action No. 09-cv-0628

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Intel Corporation  
c/o The Corporation Trust Company  
1209 Orange Street  
Wilmington, DE 19801

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David J. Margules  
Bouchard Margules & Friedlander  
222 Delaware Avenue, Suite 1400  
Wilmington, DE 19801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

*Signature of Clerk or Deputy Clerk*Date: AUG 28 2009

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This summons for *(name of individual and title, if any)* INTEL CORPORATION  
was received by me on *(date)* 8/31/09

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_, or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* SCOTT LASCALA (PROCESS AGENT), who is  
designated by law to accept service of process on behalf of *(name of organization)* INTEL CORPORATION  
C/O THE CORPORATION TRUST CO. 1209 ORANGE ST. WILMINGTON, DE on *(date)* 8/31/09, or


☐ I returned the summons unexecuted because \_\_\_\_\_, or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_

I declare under penalty of perjury that this information is true.

Date: 8/31/09

  
\_\_\_\_\_  
*Server's signature*

BARRY EVELAND  
\_\_\_\_\_  
*Printed name and title*

BRANDYWINE PROCESS SERVERS, LTD  
PO BOX 1360  
WILMINGTON, DE 19899  
\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

\_\_\_\_\_